

CITY OF SAN ANTONIO PLANNING DEPARTMENT

Procedures for Master Plan Amendments And Public Participation Program

State Enabling Legislation and Municipal Code Providing for Master Plan Amendments

A. Texas Local Government Code, Chapter 213.003.

- (a) A comprehensive plan may be adopted or amended by ordinance following a hearing at which the public is given the opportunity to give testimony and present written evidence and, if one exists, review by the municipality's planning commission or department.
- (b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

B. Charter of the City of San Antonio.

Section 121, The Master Plan

The master plan for the physical development of the City shall contain the Commission's recommendations for the growth, development and beautification of City territory. The commission may adopt the master plan as a whole or in parts and may adopt any amendment thereto. The adoption of the plan or of any such part or amendment shall be by resolution, but before the adoption of the plan or any such part or amendment, the Commission shall hold at least one public hearing on the proposed action.

Section 122, Procedure. Paragraph 1: Master Plan

A copy of the master plan, or any part thereof, shall be forwarded to the City Manager who shall thereupon submit such plan or part thereof to the Council, together with his recommendations, if any. The Council may adopt or reject such plan or such part thereof as submitted; provided, however, that if the Council should fail to act on such plan or part thereof for sixty days following its submission by the City Manager, it shall be deemed thereafter approved. If such plan or part thereof should be rejected by the Council, the Planning Commission may modify such plan or part thereof and again forward it to the City Manager for submission to the Council.

C. Unified Development Code (May 3, 2001). Section 35-420 (g) (2) Amendments Required

Each Plan shall be subject to continuing evaluation and review by the Planning Director and the Planning Commission. The Planning Director shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered. The Plan shall be reviewed by the planning commission at least once every five (5) years and if necessary, amended by the City Council. If the review is not performed, any property owner in the planning area may file a petition with the Planning Director to amend the plan.

If the Planning Director finds that the review has not been performed, he shall initiate the referenced public participation program regarding the proposed amendment and may set a schedule or deadline for the completion of the review. If the Plan is not updated pursuant to a petition filed pursuant to this subsection, then subsection (h) shall not apply until such time as the Plan is updated.

II. Provisions for Plan Amendments in relation to a Zone Change Request

Unified Development Code, Section 35-421 Zoning Amendments:

Subsection (d) Decision, Subparagraph (3) City Council

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If the proposed rezoning is inconsistent with the land use plan of a Neighborhood Plan, Community Plan or Perimeter Plan, an application for an amendment to the Neighborhood Plan, Community Plan or Perimeter Plan shall be submitted by the applicant. Amendments to both the Official Zoning Map and the Neighborhood Plan, Community Plan or Perimeter Plan may be considered concurrently.

Subsection (e) Approval Criteria

In its review of an application for rezoning, the City Council shall consider the following criteria. No single factor is controlling. Instead, each must be weighed in relation to the other standards

(1) Consistency

The City Council does not, on each rezoning hearing, redetermine as an original matter, the city's policy of comprehensive zoning. The city's zoning map shall be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose. The proposed rezoning shall comply with any comprehensive plan that has been adopted pursuant to VTCA Local Government Code chapter 219 [now 213], and any Neighborhood Plan, Community Plan or Perimeter Plan recognized pursuant to § 35-420 of this Chapter.

(2) Adverse Impacts on Neighboring Lands

The City Council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Council finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings which promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.

(3) Suitability as Presently Zoned

The City Council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

(4) Health, Safety and Welfare

The amendatory ordinance must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

(5) Public Policy

A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, or mixed use development which functionally relates to the surrounding neighborhoods.

(6) Size of Tract

The City Council shall consider the size, shape and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single city lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify an amendatory ordinance.

(7) Other Factors

The City Council may consider any other factors relevant to a rezoning application under Texas law.

AMENDMENT PROCEDURE

- A. Applicant submits a zone change application. Upon receipt of an application that falls within an approved planning area boundary by the Neighborhood/Comprehensive staff, the Neighborhood/Comprehensive staff will, within five working days, review the zoning change request. At the preliminary case management meeting, the zoning case manager will be informed by the Neighborhood/Comprehensive staff whether the proposal is consistent with the Master Plan of the city and any Neighborhood Plan, Community Plan or Perimeter Plan recognized pursuant to § 35-420 of the UDC. (This consistency requirement only applies to those 11 plans identified in the UDC adopted subsequent to September 25, 1997 and for plans adopted after May 3, 2001. Previous plans act as a guide and therefore would not require a plan amendment.)
- B. If the proposal is deemed consistent with the Master Plan, the zoning application review process proceeds in accordance with the provisions of § 35-421 of the UDC.
- C. If the proposal is not consistent with the Master Plan, the zoning case manager contacts the applicant to inform him/her that a master Plan amendment is required in accordance with § 35-421, Zoning Amendments, Subsection (d) (3) above. At this time the applicant may choose to either withdraw the proposal or proceed with an amendment request.
- D. If the applicant wishes to proceed, the applicant completes the Plan Amendment Application that provides a detailed justification for the change. A resolution requesting an amendment to the Master Plan is placed on the Planning Commission agenda as a public hearing. A memorandum from the Planning Director will provide a staff recommendation. The Public Participation Program shall be initiated. Property

owners within a 200 ft. radius, all registered neighborhood associations within the Plan area, and Planning Team Members shall be notified in writing by staff not less than 10 days prior to the meeting date. Notice of the meeting shall be published 15 days prior to the meeting in accordance with the UDC notice requirement.

- E. Concurrently, i.e., within 20 days, the request for a zoning change will be placed on the agenda of the Zoning Commission. However, any recommended change to the zoning of property must be in accordance with the approval criteria outlined above. Accordingly, until the Master Plan amendment is approved by the City Council, staff cannot recommend approval of the zoning change.
- F. After the Planning Commission and Zoning Commission make their recommendations regarding the requests, the proposed amendment to the Master Plan and the request for a zoning change are placed on the City Council agenda for the next available meeting. The Planning Director may direct that the Public Involvement Program be initiated for the hearing before City Council.
- G. The applicant may withdraw his/her proposal at any time during this process.

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